

Recommended Findings of Fact Proposed Tuscan Hills Specific Plan

REQUIRED FINDINGS FOR SPECIFIC PLANS:

Under Section 17.128.070 of the Desert Hot Springs Municipal Code, a Specific Plan may only be adopted only if all of the following findings are made:

A. The proposed plan is consistent with the General Plan;

The proposed Desert Harvest Specific Plan has been evaluated against the General Plan of the City of Desert Hot Springs to identify any potential inconsistencies (Specific Plan “Chapter 6 – General Plan Consistency”). The proposed Specific Plan introduces limited retail commercial uses to a site presently designated I-L (Light Industrial) but provides for adequate public and private improvements to avoid conflicts with the General Plan Land Use, Circulation, Housing and other Elements of the Community Development Chapter; as well as with Environmental Resources, Environmental Hazards, and Public Facilities and Facilities Chapters. Staff has identified no inconsistencies between the proposed Specific Plan and the General Plan.

B. The proposed plan would not be detrimental to the public interest, health, safety, convenience, or welfare of the City;

The proposed Desert Harvest Specific Plan provides for development of a mixed use commercial / industrial development, including provisions for public and private improvements to address vehicular circulation, including emergency services, as well as drainage, air quality and other environmental factors. The proposed Specific Plan implements General Plan economic goals through the establishment of policies and regulations supporting a medical marijuana cultivation facility. Staff has concluded that the proposal would not be detrimental to the public interest, health, safety, convenience or welfare of the City.

C. The subject property is physically suitable for the requested land use designation(s) and the anticipated land use development(s);

The proposed Desert Harvest Specific Plan would amend the General Plan Land Use Map for the vacant 64.9 acre site to establish three Planning Areas to support development of a mixed use commercial / industrial complex. The site is generally flat and rectangularly-shaped to allow for development according to the Specific Plan’s standards and guidelines. Two public streets fronting the south and east property boundaries of the site provide adequate access, and no physical constraints to the proposed development have been identified. The Specific Plan’s amendment to the Land Use Map provides for a mix of uses that are compatible with surrounding industrial and commercial zones. Staff believes the subject parcel is physically suitable for the requested land use designation and anticipated development.

D. The proposed plan shall ensure development of desirable character which will be compatible with existing and proposed development in the surrounding neighborhood; and

The proposed Desert Harvest Specific Plan includes development regulations (zoning standards), design guidelines and review procedures to assure that future development of the site is of a desirable character, both functionally and esthetically. These regulations, guidelines and procedures will also assure that the commercial and industrial uses allowed on the site are compatible with surrounding commercial and industrial development.

- E. The proposed plan will contribute to a balance of land uses so that local residents may work and shop in the community in which they live.*

The proposed Desert Harvest Specific Plan will convert a small amount (13.1 acres) of industrially zoned land to commercial use. The mix of commercial and industrial uses on the site, including a medical marijuana cultivation complex, will create employment and shopping opportunities for the Desert Hot Springs community. Staff believes that the proposed Specific Plan will contribute to a balance of land uses, within which local residents may both work and shop.

REQUIRED FINDINGS FOR TENTATIVE TRACT MAPS:

Section 16.24.150(C) & (D) of the DHSMC identifies the grounds for which the Commission may grant or deny an application for a Tentative Tract Map.

Section 16.24.150(C) states:

“The tentative map may be approved or conditionally approved by the Commission if it finds that the proposed subdivision, together with the provisions for its design and improvements, are consistent with the General Plan, and applicable specific plan, and all applicable provisions of the municipal code.”

Whereas Section 16.24.150(D) states:

“The tentative map may be denied by the Commission on any of the grounds contained in the Map Act, General Plan or the municipal code. The Commission shall deny the tentative map if it makes any of the following mandatory findings contained in Map Act Section 66474:

- 1. That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451;*
- 2. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans;*
- 3. That the site is not physically suitable for the type of development;*
- 4. That the site is not physically suitable for the proposed density of development;*
- 5. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;*
- 6. That the design of the subdivision or type of improvements is likely to cause serious public health problems;*

7. *That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. (Prior code § 159.66.150)*

REQUIRED FINDINGS FOR GENERAL PLAN AMENDMENTS:

- A. That the proposed amendment is internally consistent with the General Plan;
- B. That the proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City;
- C. That the proposed amendment would maintain the appropriate balance of land uses within the City; and
- D. That in the case of an amendment to the General Plan Land Use Map, the subject parcel(s) is physically suitable (including, but not limited to access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints) for the requested land use designation(s) and the anticipated land use development(s).

REQUIRED FINDINGS FOR ZONING ORDINANCE/MAP AMENDMENTS:

*An amendment to this Zoning Ordinance may be adopted only if the following **findings** are made:*

- A. *The proposed amendment is consistent with the General Plan;*
- B. *The amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City. (Prior code § 159.42.050)*